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DIVISION OF OIL, GAS AND MINING

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TO: Internal File

FROM: Peter Hess, Reclamation Specialist III, Project Team Lead *Smf*

RE: "C" Canyon Security Gate, West Ridge Resources, Inc., West Ridge Mine,
ACT/007/041-AM00B

SUMMARY:

The Division has received a response to the March 6, 2000 deficiency document which was prepared as part of the technical review of AM00B. The following document, which was received in the Price Field Office on May 11, 2000, analyzes the West Ridge response.

TECHNICAL ANALYSIS:

OPERATION PLAN

RELOCATION OR USE OF PUBLIC ROADS

Regulatory Reference: 30 CFR Sec. 784.18; R645-103-234; -301-521, -301-526

Analysis:

R645-103-234, Administrative Procedures for Areas Unsuitable for Coal Mining and Reclamation Operations requires that when any coal mining or reclamation operation is proposed within 100 feet of a right-of-way line for a public road or where the applicant proposes to relocate or close any public road, the Division will:

- 1) 234.100; require the applicant to obtain necessary approvals from the authority with the jurisdiction over the public road.
- 2) 234.200; provide an opportunity for a public hearing in the locality where the road closure is proposed for the purpose of determining whether the interests of the public and the affected landowners will be protected.

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- 3) 234.300; if a public hearing is requested, provide appropriate advance notice of a public hearing to be published in a newspaper of general circulation in the affected locale at least two weeks prior to the hearing.
- 4) 234.400; make a written finding if no public hearing was held based on information received to determine if the interests of the public and/or the affected landowners will be protected. No mining will be allowed within 100 feet of the outside right-of-way line of a road, nor may a road be relocated, or closed, unless the Division determines that the interests of the public and affected landowners will be protected.

ACT/007/041-AM00B as received in the Price Field Office on May 11, 2000 contains a letter from the United States Department of Interior, Bureau of Land Management which grants Carbon County authority to install the security gate on the "C" Canyon road, and lock said gate at the County's discretion.

The amendment also includes documentation of the discussion held during the December 8, 1999 Carbon County Commission Meeting in which West Ridge Resources Inc. granted ownership of the "C" Canyon security gate to Carbon County. In turn, the County granted the permittee the right to close and lock the security gate at the discretion of West Ridge Mine's management. The requirements of R645-301-234.100 have been met.

As required by R645-300-120 and -300-121, the permittee has published an advertisement in a local newspaper of general circulation in the locality of the proposed coal mining and reclamation operation at least once a week for four consecutive weeks. This public notice met the requirements of R645-300-121.150. Public comments were to be forwarded to the Director of the Division of Oil, Gas, and Mining. As of May 19, 2000, no public comments have been received; the public comment period ended on May 11, 2000. As no comments have been received, it is not necessary to provide an opportunity for a public hearing in the Price area to determine that the interests of the public and the affected landowners (United States of America) have been protected. The BLM has granted approval. The requirements of R645-103-234.100 and -234.200 have been addressed.

As of this date of authorship, it is necessary for the Director of the Utah Division of Oil, Gas, and Mining to make a written finding relative to the protection of the public's interest in the use of the "C" Canyon security gate.

Findings:

The requirements of R645-103-234.100, -234.200 and -234.300 have been adequately addressed, in coordination with R645-300-121.100 and -121.150.

Upon completion of the Divisions written finding, all requirements of R645-103-234 will have been met.

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ROADS SYSTEMS AND OTHER TRANSPORTATION FACILITIES

Regulatory Reference: 30 CFR Sec. 784.24, 817.150, 817.151; R645-301-521, -301-527, -301-534, -301-732.

Analysis:

Road Systems

The "C" Canyon road is a Carbon County Class "B" road, constructed and maintained by the County. A "right-of-way" (100 foot width, operational) was obtained by the County from the BLM, Utah SITLA, and private land owners to build the road. That portion of the road which has been under scrutinization throughout this permitting process received a "right-of-way" approval from the BLM, pursuant to the requirements of Title V of the Federal Land Policy and Management Act of 1976, and regulations found within Title 43 of the Code of Federal Regulations, part 2800.

In the Division's March 6, 2000 deficiency document, the following was required of the permittee in order to permit the security gate and the 1,000 feet of Carbon County road between it and the disturbed area perimeter of the West Ridge Mine; an analysis and findings regarding each requirement is included.

- 1) The permittee needed to obtain a "right-of-way", an encroachment permit or some other right-of-entry document from the BLM such that mining and reclamation activities can be conducted on that portion of the County road.

The permittee has obtained a letter from the BLM addressed to the Carbon County Commission indicating that "the Bureau of Land Management supports the decision to install and lock the gate in question." The BLM letter also gives the County the approval to install and lock the subject gate at their discretion.

The construction costs for the gate were paid by West Ridge Resources, Inc. West Ridge in turn, has turned the ownership of the gate over to Carbon County. Carbon County then gave the permittee the right to open and close the gate at West Ridge management's discretion (i.e., when no personnel were on site). Appropriate agreements and documents are in place to allow West Ridge Resources, Inc. the authority to bar access to that portion of BLM surface management area at the discretion of West Ridge management.

- 2) "The permittee must apply to Carbon County for authorization to control access and conduct mining and reclamation activities on this portion of the "C" Canyon County road."

The permittee received this approval from the County during the December 8, 1999 Carbon County Commission meeting. As noted above, the County owns the

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gate, and has given West Ridge Resources, Inc. the authority to close and lock it during weekends, holidays, or other times when no West Ridge employees are on site. Agreements and documentation now exist which adequately addresses this requirement.

- 3) Stipulation "3" required the permittee to permit the length of County road which exists above the security gate as a primary road.

Findings:

The requirements of the R645 regulations have been adequately addressed.

Analysis:

Transportation Facilities

- 1) R645-301-527.100; -527.110.
Page 5-33 of the currently approved mining and reclamation plan classifies this portion of the County road as a primary road.
- 2) R645-301-527.120, -527.121, -527.122, -527.123.
The primary use of the "C" Canyon County road will be to transport coal from the Mine to numerous sale or rail transportation points, and to provide access for West Ridge Mine employees and vendors providing services to that Mine. The life of Mine at this point is forecast as 6 years, but the potential exists, assuming additional Federal leases can be procured, for the Mine to have a life of twenty years. Thus, the requirement for meeting frequent use for a period in excess of six months has been addressed.

The entire Carbon County "C" Canyon road will be retained as part of the approved post mining land use, which is wildlife habitat, grazing and recreational uses. The requirement of R645-301-527.123 has been met.

- 3) R645-301-527.200, Detailed Description of Road
The currently approved mining and reclamation plan includes a typical cross section for the "C" Canyon road, (Figure 5-3). Same shows a 24-foot travel width with two foot shoulders and a detailed description of the road base design. Figure 5-3 has received a professional engineer's certification from Danna James Snyder, a Utah P. E., of Creamer and Noble Engineers, St. George, Utah. More verbiage relative to the description of the "C" Canyon County road can be found within the currently approved mining and reclamation plan, (see pages 5-41 and 5-42, under R645-301-534.100, -534.200 and -534.300). The requirements of -527.200 have been adequately met.

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- 4) R645-301-527.230, Road Maintenance Plan
The maintenance plan described on Page 5-41 of the currently approved mining and reclamation plan commits the permittee to periodic maintenance of the ditches and inspection and cleaning of the various road drainage culverts after each storm event. However, the commitment to repair catastrophic damage from earthquakes or floods cannot be found within the currently approved MRP, as required by R645-301-527.240. As the portion of road that is being permitted can be considered a major thoroughfare (both County road and the only coal transportation route from the Mine to market) it can be inferred that any catastrophic damage will be repaired by the involved parties as soon as possible.
- 5) R645-301-527.250, Report of Geotechnical Analysis
All steep road cuts relative to this portion of the County road were made by the County's contractor prior to the permitting of this segment. This regulation is not applicable to the permitting process.
- 6) R645-301-534.300. Primary Road Requirements
R645-301-534.300 requires that the following coal rules be addressed as they relate to primary roads; R645-301-358; R645-301-527.100; R645-301-527.230; R645-301-534.100; R645-301-534.200; R645-301-542.600; R645-301-762. Each will be addressed below.

A) R645-301-358, Protection of Fish, Wildlife, and Related Environmental Values

Analysis:

The requirements of R645-301-358 have been addressed and are Division approved as they exist on Page 3-34 of the West Ridge Mine mining and reclamation plan. Thus the requirements of R645-301-534.300 as they relate to R645-301-358 have been met.

Findings:

The requirements of R645-301-358 as they relate to the permitting of the "C" Canyon County road as a primary road have already been addressed and are approved within the existing West Ridge Mine mining and reclamation plan.

B) R645-301-527.100, Road Classification

Analysis:

This regulation has already been addressed in an adequate manner.

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Findings:

R645-301-527.100 has been previously addressed and adequately meets the intent of the R645 rules.

C) R645-301-527.230, Maintenance Plan

Analysis:

This rule has been addressed previously.

Findings:

The requirements of R645-301-527.230 as they relate to the permitting of this portion of the "C" Canyon County road have been adequately addressed.

D) R645-301-534.100, Road Design

Analysis:

The requirements of R645-301-534.100 have been previously addressed within this document. Same can be found within the approved West Ridge Mine mining and reclamation plan on Page 5-41.

Findings:

R645-301-534.100 has been adequately addressed within the MRP.

E) R645-301-534.200, Appropriate Specifications for Design Based on Road Usage

Analysis:

The requirements of R645-301-534.200 are addressed on Page 5-41 of the West Ridge Mine mining and reclamation plan.

Findings:

The requirements of R645-301-534.200 have been adequately addressed as the "C" Canyon road has been constructed to AASHTO and Utah Department of Transportation specifications.

F) R645-301-542.600, -542.610, -542.620, -542.630 and -542.640 Reclamation of Roads Not Approved as Part of the Post Mining Land Use

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Analysis:

The requirements of -542.600 are discussed on Page 5-50 of the West Ridge Mine mining and reclamation plan.

The "C" Canyon road has been approved to be retained as part of the approved post-mining land use, which is grazing, recreation, and wildlife habitat. The road will provide public access to public lands in the West Ridge area. Thus, the road will not be reclaimed; -542.600 et al. are not applicable in the permitting of this primary road.

Findings:

The reclamation requirements of R645-301-542.600 et al. are not applicable in the permitting of the "C" Canyon County (public) road.

7) R645-301-534.310, Location of Primary Roads on Stable Surfaces

Analysis:

In order to construct the "C" Canyon County road in the area where this section of that road is being permitted, it was necessary to obtain a right-of-way from the US Department of Interior, Bureau of Land Management. This section of road is located in the lower section of "C" Canyon which contained 2H:1V naturally occurring slopes on the west side of that drainage (mid length of new section being permitted, as determined from Map 5-6A, West Ridge MRP). Concerns relative to golden eagle nests were also reviewed and considered during the right-of-way route determination. The generally tight confines of "C" Canyon determine that any access road would have to exist on one side of the drainage or the other. The sandstone formations which exist throughout this section of Utah generally provide stable conditions upon which road base and top covering can be firmly compacted. Thus, in order for the route to be determined for the granted BLM right-of-way, it was necessary to consider all critical factors. A stable surface for the laying of road base was, more than likely, not a critical factor in route determination.

Findings:

The "C" Canyon County road was constructed under AASHTO and Utah Department of Transportation specifications. Construction established on stable surfaces is assumed to be inherent. R645-301-534.310 has been adequately addressed.

8) R645-301-534.320, Surfacing Selected Based on Traffic and Vehicle Weight Considerations

Analysis:

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R645-301-534.320 is addressed under Page 5-41 of the West Ridge Mine MRP under -534.100. "The road will have a crowned, gravel or asphalt, surface on top of 6" untreated base coarse overlying a granular borrow sub-base." This meets AASHTO and UDOT specification for roads experiencing heavy truck traffic. The intent of this regulation has been met.

Findings:

R645-301-534.320 has been adequately addressed.

9) R645-301-534.330, Maintenance of Road Surface

Analysis:

The "C" Canyon County road surface will be maintained by the County, into the Mine's permit area up to the old public turn around area at the base of the truck loading loop. This will include patching of pot holes, sealing of the surface (crack repair, surface seal), and recycling/relaying of the asphalt top layers as needed.

Snow removal from the security gate up-canyon will more than likely be the responsibility of the Mine; snow removal down-canyon of the security gate to the Highway 123 junction will be the responsibility of the Carbon County Road Department.

Findings:

The intent of R645-301-534.330 has been met.

10) R645-301-534.340, Adequate Culvert Designs

Analysis:

The requirements of R645-301-534.340 are addressed on Page 5-42 of the West Ridge Mine MRP under -534.300, Primary Roads, paragraph four. "All drainage culverts installed under the primary road ("C" Canyon road) will be designed, installed and maintained according to AASHTO standards as part of the overall Carbon County road design."

Findings:

R645-301-534.340 has been adequately addressed.

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Regulatory Reference: 30 CFR Sec. 784.23; R645-301-512, -301-521, -301-542, -301-632, -301-731, -302-323.

Analysis:

Mining Facilities Maps

The second submittal (deficiency response to ACT/007/041-AM00B) includes a revised Map 5-5, (Revision 6), West Ridge Mine Surface Facility Map which clearly designates the "C" Canyon security gate and the 1,000 feet of primary road which is being permitted through this permit amendment. The disturbed area perimeter is also clearly delineated.

This map needs to be P.E. certified by a Utah registered professional engineer.

Findings:

R645-301-512.120; Map 5-5 does not meet the requirements of R645-301-512.120, due to not having a current P. E. certification.

RECLAMATION PLAN

ROADS SYSTEMS AND OTHER TRANSPORTATION FACILITIES

Analysis:

R645-301-762. Hydrologic Concerns Relative to Roads That Are Not To Be Retained As Part Of The Approved Post Mining Land Use.

Although R645-301-762 et al. are not specifically addressed within the West Ridge Mine mining and reclamation plan, they are not relative. That portion of the "C" Canyon County road which is being permitted as a primary road is only an additional length of what has already been permitted. The entire "C" Canyon County road will be retained as access for the approved post mining land use. These regulations are not applicable.

Findings:

R645-301-762 et al. are not applicable in this permitting action.

RECOMMENDATIONS:

The permittee has completed all necessary administrative procedures including public participation in the permitting process for the security gate and the closing of that portion of the "C" County road.

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The application, in coordination with the currently approved West Ridge Resources mining and reclamation plan addresses all requirements relative to the permitting of primary roads. However, conditional approval of this amendment must stipulate the following:

Map 5-5, Revision 6, West Ridge Mine Surface Facility Map must be submitted with a current Utah P. E. certification stamp.

The Division, in order to meet the requirements of R645-103-234.400, must make a written finding relative to the periodic closing of the gate and the barring of access to that 1,950 feet of Carbon County road that indicates that same will have no impact on the best interests of the public.

It is recommended that the "C" Canyon security gate and the addition of 1,000 feet of Carbon County public road as a primary road within the disturbed area of the West Ridge Mine be conditionally approved as it currently exists.

Upon final approval of ACT/007/041-AM00A, the permittee must install disturbed area perimeter markers along the newly permitted section of "C" Canyon road as depicted on Map 5-5, Revision 6, West Ridge Mine Surface Facility Map. A permittee identification sign must be installed on the road immediately up-canyon of the security gate.